

**NJ Office of Planning Advocacy**

**State Plan Endorsement  
Opportunities & Constraints Assessment Report: Trends  
Analysis**

**For:**

**The Township of Vernon, Sussex County**

**January 8, 2020**

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*This document constitutes the New Jersey Office of Planning Advocacy's component of the State Opportunities and Constraints Analysis conducted as part of the Plan Endorsement process. This document provides for a comparison of information with the MSA with the most up-to-date regional and statewide data to determine whether TREND growth is sustainable and viable based on the information provided. It also discusses the relationship between the Township's Petition for Plan Endorsement with the State Development and Redevelopment Plan, State Plan Policy Map, Center Designation, the NJ Highlands Act and other relevant issues as applicable. The document should serve as a baseline to inform the remainder of the Plan Endorsement process.*

## Introduction

On August 31, 2020, the Township of Vernon ("Vernon") in Sussex County submitted their Municipal Self-Assessment report (MSA) to the New Jersey Office of Planning Advocacy (OPA), which issued a determination of completeness on September 5<sup>th</sup>. This document and associated components provided by other State Agencies, comprise the Opportunities and Constraints Assessment (OCA) ("Step 4") conducted as part of the Municipal Plan Endorsement (PE) process. Plan Endorsement is a voluntary review process designed to ensure the coordination of state, county, and municipal planning efforts in achieving the goals and policies of the State Planning Act (Act). The State Development and Redevelopment Plan (State Plan) is the blueprint for achieving these goals and provides the template for coordination. The endorsement process expands upon the requirements of the Municipal Land Use Law (MLUL) and incorporates many planning initiatives of the State agencies.

As background, Vernon's Town Center was designated by the State Planning Commission (SPC) on July 16, 2003. However, plans for Vernon's Town Center go back to the 1995 Master Plan. In fact, the Township has been working to balance desired center-based growth and development with meaningful land preservation for many years. Well-known for its destination ski resort (Mountain Creek) and related visitor amenities, as well such State-significant natural treasures as Hamburg Mountain, Wawayanda State Park, Wallkill River NWR, and the Appalachian Trail (to name a few), the Township clearly understands and appreciates the fact that a successful local economy, particularly recreation-based tourism industry, is intrinsically tied to the careful stewardship of the community's natural environment and cultural resources which supports it. As such, Vernon derives great benefit from the approximately 15,032.27 (source NJ Open Space dataset 2020) of State, Local and Non-profit Open Space and 3,500 acres of federal Parkland (total 18,532.27 acres) within the Township; not including preserved farmland (691 acres). Moreover, 29,305 of the Township's 69 square miles are located within the Preservation Area of the New Jersey Highlands Region, which provides a significant level of State protection, as well as additional sources of funding for targeted land preservation efforts. Its Petition for Plan Conformance for its Preservation Area, was approved by the Highlands Council on May 17, 2012. As such, the Township's current Petition for State Plan Endorsement, is limited to the 15,464-acre, Highlands Planning Area (35%) for which the SPC has jurisdiction.

The Township's commitment to comprehensive planning and sustainable land use policy is also evident in ways beyond raw acres preserved and lands protected under the Highlands Act. As part of the State Agency review of the Township's Prepetition Materials and Municipal Self-Assessment (MSA) Report, OPA had the benefit of familiarizing itself with the Township's ongoing, proactive planning efforts. For example, while the Township did not complete the Plan Endorsement process begun in 2008, it undertook a substantial amount of work as part of that and previous planning endeavors. As far back as its 2003 Master Plan Update, Vernon introduced major zoning changes to align with the goals of the State Plan. It established Town Center, Mountain Resort and other zones along SR 94 that remain relevant; it further enacted densities and standards in the environs to protect agricultural resources, wetlands, lakes, streams, steep slopes and scenic vistas to be sensitive to water quality and environmental constraints. More recently, it consulted with Looney Ricks Kiss (LRK) to create a mixed-use concept plan for a Main Street Town Center, adopted a hybrid form-based zoning code, OSRP update, and a TDR feasibility study. In March 2019, the Township adopted a comprehensive Sustainable Economic Development Plan as an Element of

the Master Plan. Over the course of developing the Plan, which included a well-documented community visioning process, the Township Planning Board subcommittee conducted an extensive public outreach and engagement process, including advertised workshops and online surveys that provided the basis for OPA's granting of waivers from Steps 2 (Community Visioning) and 5 (PE Advisory Committee) of the Plan Endorsement process.

## Overview

Vernon Township covers around 70 square miles and is the largest municipality in Sussex County by both population and size, with 22,369 as of 2018 (Vernon Municipal Self-Assessment, August 2020). Founded in 1793, Vernon underwent rapid growth in 1930s from residential resort development around its lakes, to suburbanization from 1950s onward, to more intensive mountain resort development in 1970s with the development of Vernon Valley, Great Gorge North, and Hidden Valley Ski Resorts. According to U.S. Census 2018 American Community Survey (ACS) 5-Year Estimates, Vernon Township's population is approximately 22,369, which is about 15% of Sussex County's total population.

This Opportunities and Constraints Analysis (OCA) report provides for a comparison of information with the MSA with the most up-to-date regional and statewide data to determine whether TREND growth is sustainable and viable based on the information provided. The Trends Analysis and other State Agency comments is normally intended to inform and guide Community Visioning, among other steps in the Plan Endorsement process. This report provides specific comments and discussion of preliminary issues that will need to be addressed through Steps 6-10 of Plan Endorsement



Vernon's Town Center was designated by the State Planning Commission (SPC) on July 16, 2003 and was set to expire June 30, 2020; however, the expiration has been extended until 180 days after the conclusion of the Public

Health Emergency declared in Executive Order 103. Currently, the Public Health Emergency was most recently extended on June 4, 2020 and remains in full force and effect. The Township of Vernon initiated the Plan Endorsement process by attending a Prepetition Meeting (Step 1) with OPA and our partner State agencies on May 7th, 2020. Vernon's Petition for Plan Endorsement and Municipal Self-Assessment were authorized via Resolutions #20-174 and R-20-175, respectively, on August 24, 2020. As previously stated, Vernon submitted their MSA on August 31, 2020 and OPA waived the need for the PEAC and Community Visioning on September 8, 2020.

## **Relation to New Jersey Highlands Act**

The New Jersey Highlands Region is designated as a Special Resource Area in the State Development and Redevelopment Plan (State Plan). With passage of the landmark Highlands Water Protection and Planning Act (Highlands Act) in 2004, approximately 29,305 acres of the Township was placed in the Highlands Preservation Area, which strictly limits development. Vernon is located entirely within the Highlands Region with approximately one-third of its land area in the Planning Area and two-thirds of its land in the Preservation Area. The Preservation Area lands are largely restricted from all new development. In addition, Vernon's Planning Area is also constrained by steep slopes, low lying valleys and State-regulated wetlands, flood hazard areas and streams with 300-foot riparian buffers.

In compliance with the Highlands Act, the Township submitted a Petition for Plan Conformance for its Preservation Area, which was approved by the Highlands Council on May 17, 2012. To achieve Plan Conformance, the Township adopted a Highlands Master Plan Element and associated Land Development Ordinance as necessary to conform them with the Preservation Area goals, requirements and provisions of the Highlands Regional Master Plan (RMP). The Highlands Act further provides that municipalities and counties with lands in the Planning Area have the option to either, 1) petition the Highlands Council with master plan and regulatory revisions to similarly conform them with the RMP, or 2) pursue Plan Endorsement through the SPC. It further exempts all municipality or county lands located in the Preservation Area from the SPC's Plan Endorsement process. As such, Vernon's Petition for Plan Endorsement, including the SPC's review for consistency with the State Plan, is limited to only those 15,464 acres of land located within the Highlands Planning Area of the Township.

It is also worth noting that the Highlands Council has provided grant support for a number of planning initiatives within the Township, including a recently completed TDR feasibility study and Sustainable Economic Development Plan. The Highlands Council also provided full funding to develop a Water Use and Conservation Management Plan (WUCMP), which will apply to the entire community. The OCA should acknowledge the WUCMP planning effort and urge a commitment to its implementation, particularly in regard to incorporating water conservation requirements for application to new development. And a final note: Any projects applicable to the Planning Area (or Township as a whole) that address any goals, policies, or objectives of the Highlands RMP may be eligible for additional grant funding through the Highlands Council. This could apply to many action items sought by State Agencies as part of Plan Endorsement, including such planning related tasks as developing a transportation master plan element update, as per NJDOT.

## **Relation to the State Development and Redevelopment Plan**

The Township has chosen not to opt in to Plan Conformance for the Planning Area. Therefore, this Petition is focused on the remaining one-third of the Township that is located within the Highlands Planning Area, and where much of Vernon's future growth and development will need to be accommodated. This planning reality is compatible with the Highlands Act, which established development goals for the Highlands Planning Area that, "consistent with the State Plan and smart growth strategies and principles, encourage appropriate patterns of compatible economic development and growth, in or adjacent to areas already utilized for such purposes, while protecting the Highlands environment and critical water resources from adverse impacts." Moreover, the long held

local goal for establishing a walkable, mixed use Town Center, as called for in its 1995 Master Plan and 2016 update, is also supported by the 2005 Sussex County Strategic Growth Plan, which was endorsed by the SPC in February 21, 2007 and updated in 2014. To a large extent, the goals and objectives as outlined in the 2005 Strategic Plan, and particularly the 2014 update, are consistent with the State Plan as they pertain to the Planning Area, which should be taken into consideration as part of the Township's Petition for Plan Endorsement. In addition, through the process of Consistency Review (Step 6), Action Plan Implementation (Step 7) and drafting of a Plan Implementation Agreement (Step 8), the Township will commit to various zoning and land use updates as consistent with the State Plan and a condition of attaining Plan Endorsement.

## **State Plan Policy Map and Town Center Designation**

One of the key outcomes of completing the Plan Endorsement process will be the regulatory extension and physical expansion of Vernon Township's existing Town Center to accommodate acceptable levels of locally desired economic growth, redevelopment and infill, within accepted boundaries, adjusted to remove environmentally constrained areas, such as Flood Hazard Areas and Wetlands, as well as ranked habitat designated under the NJDEP's Landscape Project. If approved by the SPC, the State Plan Policy Map will also be modified to accommodate modest Planning Area changes to better reflect environmentally sensitive areas determined by current NJDEP data and analysis, as well as to recognize updated information regarding designated Parkland and other protected open space under a variety of ownership.

The State Plan Policy Map accompanies the State Plan and categorizes every area in the State into a specific Planning Areas based on their suitability for growth, development and preservation. The existing Town Center was designated by the State Planning Commission (SPC) on July 16, 2003. The current Town Center boundaries comprise 809.59 acres; the vast majority of which resides in the Rural Planning Area (PA-4), with a smaller amount of acreage divided between the Environmentally Sensitive (PA-5) and Parkland. As part of its MSA Report, Vernon proposes extending the existing Town Center from 1.27 square miles to a total area of 1.55 square miles. The proposal would expand the Town Center southwest to include Mountain Creek Resort improvements and associated areas, residential development, including large townhome development between the two areas.

An important component in evaluating Vernon's request, is the location and extent of the currently approved Future Wastewater Service Area Map (SSA) boundaries, as it exists in relation to the boundaries of the proposed Town Center. This is because "Town Centers", as areas designated for more intensive patterns of development, typically necessitate the availability and provision of public sewers, although there are certainly instances where the presence of a growth center and SSA are not uniformly aligned, as is the case in the currently proposed configuration. Also informing the Town Center negotiations between the Township, OPA and NJDEP, is the Vernon Township's current amendment for a municipal chapter to the Sussex County Wastewater Management Plan, which is under review by the NJDEP, whereby the proposed SSA boundaries are evaluated under the Landscape Project (Version 3.3) for eligibility to remain as SSA under the 25-acre composite ESA requirements of the WQMP rule. As a result of this evaluation, the proposed SSA boundaries will be modified to account for properties removed from the current SSA. In recognition of the anticipated modifications to the SSA, OPA and NJDEP met and discussed the draft SSA mapping in relation to the proposed center boundaries.

To address NJDEP's concern that the proposed Town Center exclude most properties or portions thereof that wouldn't be eligible for inclusion in the future SSA, OPA agreed to modify the working draft Town Center map that it had previously provided to the Township prior to submission of the MSA report. On October 19<sup>th</sup>, an in-person meeting was held in Vernon, between Township officials and representatives of the MUA and OPA, where the proposed State Agency map revisions were discussed. The Township expressed receptivity to the proposed revisions requested by NJDEP with respect to the three sites outlined on pages 49-53 of NJDEP's OCA report. Township officials also reiterated their desire to retain as much of the locally-proposed Town Center boundaries

as possible, and specifically; three contiguous properties abutting the Route 94 corridor that comprise a portion of the Great Gorge Golf Course (Blk 231, Lots 7, 8 and 8.02), an adjacent farm (Blk 183, Lots 13, 14 and 15) and parking area property (Blk 183, Lot 12), which are further addressed in NJDEP's report. In response, the NJDEP and OPA further evaluated the area and associated properties west of the Route 94 corridor. A major consideration is the presence of extensive Flood Hazard Area (FHA) bisecting the rear of these and other properties west of the Route 94 (subject area) corridor. FHA's are typically not included in centers, particularly if not developed. To address this issue, those portions of the subject area within the FHA were not included in the revised Town Center map. In addition, Block 183, Lot 15 was identified by NJDEP as important habitat for several important grassland bird species under the Landscape Project. Rather than removing the property in its entirety, the NJDEP and OPA have agreed to only exclude the back portion of the property; leaving the frontage comprising a depth of 250-feet from the roadway, included in the updated Town Center boundary. That said, as with several other properties noted in NJDEP's OCA report, there are some properties within the proposed Town Center boundary that are not within the SSA and are identified by the Landscape maps as habitat for threatened and endangered species. Such properties would be subject to a more detailed review either through a Municipal Chapter to the Sussex County Wastewater Management Plan or through a site-specific amendment pursuant to the Water Quality Management Planning rules. **With the proposed changes, the Town Center would increase 809.59 acres to 992 acres in size, which is 0.03 smaller than proposed by Vernon Township in the MSA.** In addition to the center change, the planning area was modified to 3,040.96 additional acres to account for preserved lands (parks).

The proposed expansion to the Vernon Town Center through the Plan Endorsement process, recognizes existing land use, land cover, sewer service areas, available land and logical locations for infill, redevelop and growth that will further enable Township to reach its planning goals, including consistency with the State Plan. Vernon's vision set forth in the 2010 Master Plan, "to promote the ideals of the community: natural resource, open space and farmland protection; beautification, access to recreation, tax stabilization, government efficiency, and development decisions based on sound planning principles making Vernon an enjoyable place to live and visit;" is consistent with the visioning update undertaken as part of the 2019 Sustainable Economic Development Plan, which focuses on sustainable development based in support of a thriving nature-based tourism industry.



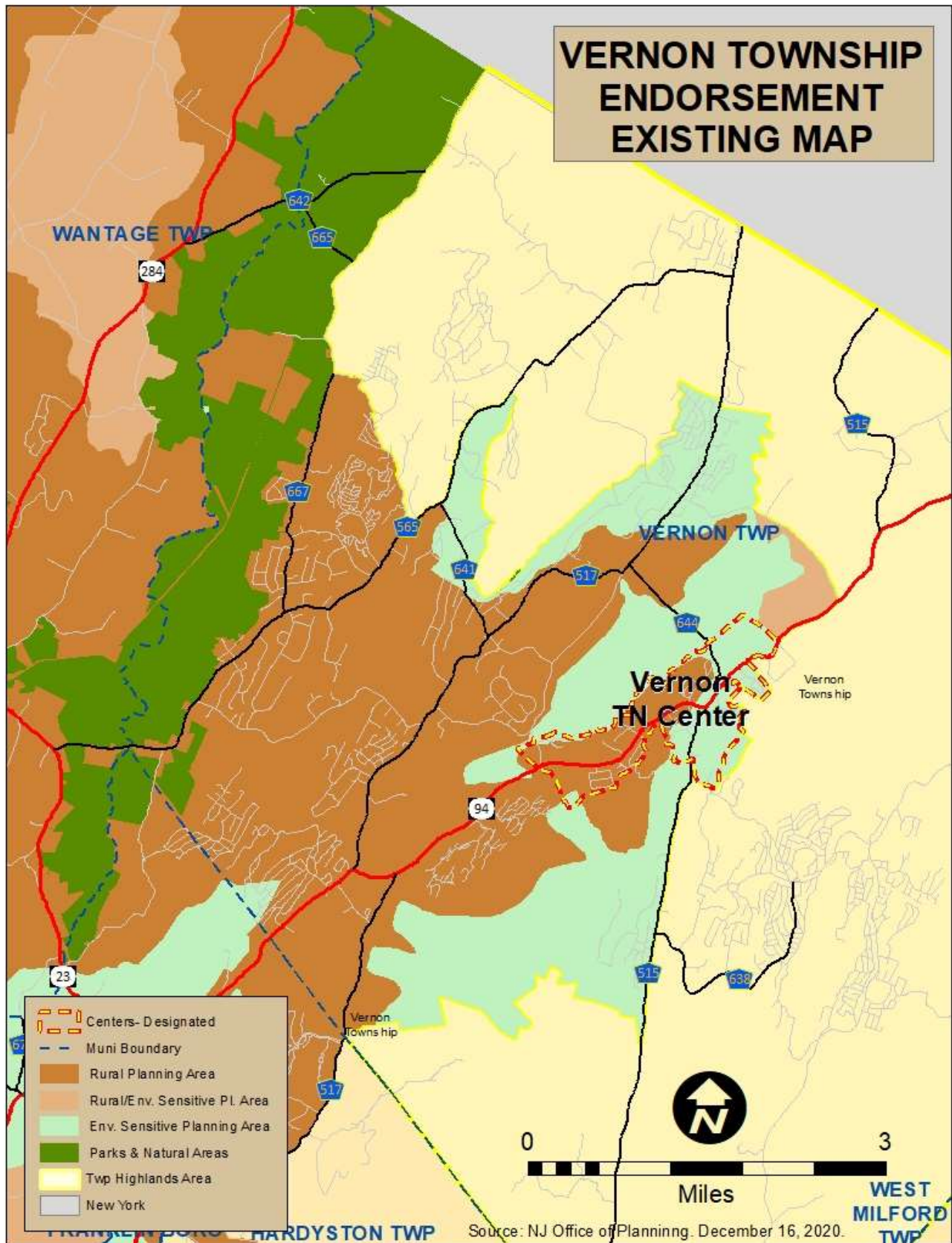


Figure 1



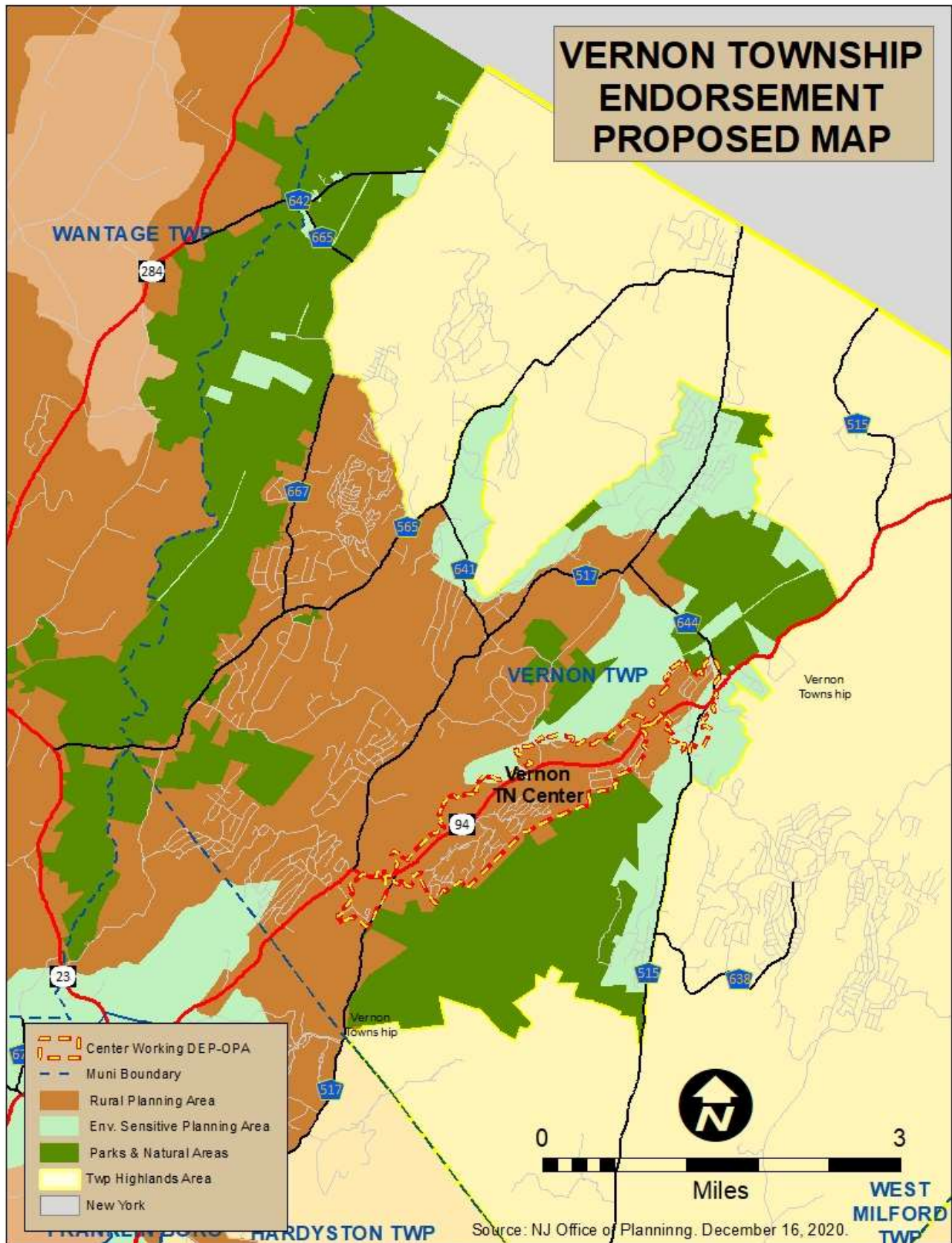


Figure 2





Figure 3

## About the Trend Analysis

The below TREND Analysis performed by OPA was conducted based on the current zoning information from the 12-22-97 Vernon Township Land Development Ordinance. OPA considered known environmental constraints, the Highlands Preservation Area, along with identified State Plan Parkland as impediments to development. Also eliminated from development consideration were wetlands (with a 25-foot buffer), presence of Category 1 (C1) Streams, existing developed land including infrastructure, and identified surface water. The net result from the TREND Analysis will determine the amount of housing and commercial space that can potentially be built given current zoning regulations.

Ultimately, the information provided throughout this document shall be utilized to inform the remaining steps in the Plan Endorsement process. The objective of the analysis is to provide the municipality with an idea of how it might appear at time of full buildout based on current land use and zoning regulations. This series of worksheets represents a basic methodology for the TREND Analysis. Based on mapping data and zoning regulations, OPA inserted relevant data transferred from Vernon Township's zoning language into the Residential Buildout Method and Commercial Trend - Building Cover Method. Household size was identified as 2.67 persons per household (median) (U.S. Census Bureau (2010). Census data: ACS 2018 5-year: Vernon, NJ.

The Vernon Land Use Ordinance adopted on December 22, 1997 by Ord. No. 97-16 is found on the municipal website: <https://ecode360.com/11387885>

The zoning ordinance and zoning map reference redevelopment plans and the MSA provides and an update on efforts currently underway.

## Vernon Residential Buildout (Planning Area only)

<b>Figure 1- Summary Table</b>	
Land Consumption (acres) Township-wide	
Urbanized Land	<b>7,240.63</b>
Constrained Land	<b>23,651.18</b>
Current Available Land	<b>13,877.56</b>
Available land within the Planning Area	<b>3,600</b>
Buildings	
Existing Residential Units	<b>10,922</b>
Potential New Residential Units in the Highlands Planning Area	<b>3,646</b>
People	
Current Residents as of 2018	<b>22,369</b>
Additional Residents at Buildout	<b>10,062</b>
Total Residents at Buildout	<b>32,431</b>

Trend Analysis for Vernon Residential Buildout Method assumes buildout of existing residential zones within the Highlands Planning Area at the maximum density permitted by the Township's current zoning ordinance. It does not analyze properties within the Highlands Preservation Area for reasons described previously. In addition, while the analysis evaluated potential units at the gross parcel level, it did not consider such limiting factors as bulk standards and subdivision improvements, beyond permitted zoning densities. If this more detailed analysis were conducted, the resultant Residential Buildout would undoubtedly be lower, which is an important consideration in evaluating the Trends Analysis.

According to the U.S. Census Bureau (2018) American Community Survey 5-Year estimates, the Township's population as of 2018 was 22,369 residents. Using the Trends Analysis, available land under current zoning in residential areas within the Highlands Planning Area could support 10,062 additional residents, which would realize a future

buildout total of 32,431 residents. However, when the above-mentioned site-specific limiting factors are coupled with capacity issues related to the availability and costs associated with public water and sewer availability, as well as anticipated reductions to septic densities based on current NJDEP nitrate dilution standards, the actual buildout will likely be much lower and dependent on significant capital expenditures.

## Population Change

Historical population		
Census	Pop.	%±
<a href="#"><u>1810</u></a>	1,708	—
<a href="#"><u>1820</u></a>	2,096	22.7%
<a href="#"><u>1830</u></a>	2,380	13.5%
<a href="#"><u>1840</u></a>	2,395	0.6%
<a href="#"><u>1850</u></a>	2,649	10.6%
<a href="#"><u>1860</u></a>	2,190	−17.3%
<a href="#"><u>1870</u></a>	1,979	−9.6%
<a href="#"><u>1880</u></a>	1,811	−8.5%
<a href="#"><u>1890</u></a>	1,756	−3.0%
<a href="#"><u>1900</u></a>	1,738	−1.0%
<a href="#"><u>1910</u></a>	1,675	−3.6%
<a href="#"><u>1920</u></a>	1,433	−14.4%
<a href="#"><u>1930</u></a>	1,279	−10.7%
<a href="#"><u>1940</u></a>	1,407	10.0%
<a href="#"><u>1950</u></a>	1,548	10.0%
<a href="#"><u>1960</u></a>	2,155	39.2%

<a href="#">1970</a>	6,059	181.2%
<a href="#">1980</a>	16,302	169.1%
<a href="#">1990</a>	21,211	30.1%
<a href="#">2000</a>	24,686	16.4%
<a href="#">2010</a>	23,943	-3.0%
<b>2019 (est.)</b>	21,989 <a href="#">[12][39][40]</a>	-8.2%

Population	sources:
1810-1920 <a href="#">[41]</a>	1840 <a href="#">[42]</a>
1850-1870 <a href="#">[43]</a>	
1850 <a href="#">[44]</a>	1870 <a href="#">[45]</a>
1880-1890 <a href="#">[46]</a>	
1890-1910 <a href="#">[47]</a>	1910-1930 <a href="#">[48]</a>
1930-1990 <a href="#">[49]</a>	2000 <a href="#">[50][51]</a>
	2010 <a href="#">[9][10][11]</a>

Established nearly 230 years ago, Vernon is the largest municipality in Sussex County by both population and size, and is expected to continue to grow. Over the last 60 years, Vernon has experienced significant growth during times of expansion. As recently as 1950, the population was 1,548 and grew exponentially from the 1960s onward and with the advent of the ski industry being introduced to the area, which coincided with rapid suburbanization throughout the country. With its abundant available land, attractive lake communities, recreational amenities, and overall affordability in comparison to the inner suburbs of New York City, it is no wonder that by 2000, the Township's population peaked at 24,686 people. With the so-called Great Recession, the population began to experience a flattening of growth in 2007, with the 2019 Census Estimate reporting its largest decline between April 2010 and July 2019, where the population dropped by 6.8% to 21,999. This decline coincides with the rest of Sussex County during this period and is attributed to many factors beyond the economic downturn; from changing trends in desired locations and type, to regulatory restrictions on development, ushered in with passage of the Highlands Act.

With recent and planned future improvements to sewer and water capacity, coupled with changes made to the Master Plan and Land Use Code in 2016, which embrace higher residential densities in a concentrated and pedestrian-friendly format within the Town Center and surrounding areas subject to redevelopment plans, development, particularly redevelopment and infill within existing underdeveloped areas can be expected. In fact, local officials recently reported a strong uptick in home sales and values over the past several months, following the coronavirus pandemic, which has turned New York City's housing market on its head, while driving-up demand in the outlying suburbs. With recent trends in mind, including greater demand for the type of amenity-based mixed-use development called for in the proposed Town Center boundaries and redevelopment areas, it is likely that Vernon will again experience positive growth, exceeding the 2000 high population numbers.



**Figure 2 - Residential Trend for Highlands Planning Area**

Land Consumption (acres)								
Residential Zone	Total Land in Residential Zone (Acres)	Total Constrained Land in Residential Zone (acres)	Total Developed Land (acres)	Total Available Residential Land (acres)	Approx. Min. Lot size (units) per Sq. Ft.	Potential Number of units	Average Household Size (persons per unit)	Approx. No. of Total Residents upon buildout
R-1	372	253	34	136	217800	27	2.76	75
R-2	1390	447	1031	1390	130680	373	2.76	1029
R-3	443	139	656	435	30000	588	2.76	1623
R-4	162	51	58	60	10000	241	2.76	665
PLC	325	79	299	161	10000	79	2.76	218
PLLC	250	11	20	163	10000	1316	2.76	3632
TC	113	36	123	114	10000	472	2.76	1302
MVMU	330	73	225	319	550 per redevelopment plan	550	2.76	1518
Grand Total	3385	1089	2446	2778		3646		10062

In addition, the New Jersey Transportation Planning Agency's, 2017 Regional Transportation Plan for Northern New Jersey, forecasts Vernon's population climbing to 28,530 by 2040 at an annualized population change rate of 0.6% between 2010 and 2040 to 4,590 additional residents. It also forecasts the number of households increasing from 8,620 in 2010 to 10,400 by 2040; an increase of 1,780 new households. It should be noted that these forecasts are much lower than that calculated in the above Trends Analysis.

Obviously, more recent growth trends do not reflect the forecast, although it is widely anticipated that positive growth will soon begin to reverse the negative trends witnessed since the recession.

## Commercial Buildout

The below Commercial Buildout was performed similar as the Residential Trend Analysis using current zoning within the Planning Area, with the exception that some parcels within Preservation Areas were included. This was done because the majority of properties within commercially zoned areas are outside of the Preservation Area, with the exception of several properties within the Agri-Ecotourism and Commercial Recreation Zones. It is further noted that certain areas such as the Town Center zone, as well as the McAfee Village Mixed Use redevelopment area also provide for residential development within certain parameters. In addition, given that approximately 1,220 acres of the Township, comprising five different areas, are designated as areas in need of redevelopment under the New Jersey Local Redevelopment and Housing Law (Redevelopment Law), the potential use or mix of uses, as commercial components or otherwise, is highly variable. For example, a redevelopment plan may supersede underlying zoning, permit an undetermined number of units, and is oftentimes project-driven. As noted in NJDEP's component of the OCA report, portions of these redevelopment areas are environmentally constrained by such features as steep slopes, flood zones, or constitute preserved open space. For the above reasons, zoning is a relatively imprecise measure upon which to determine actual build-out potential.

Costar.com, the commercial real estate service currently lists ten (10) dispersed properties of Industrial Space (mostly Class C), comprising a total of 157,000 Square Feet (sf) in 10 properties in close proximity to SR 94. Half



of these are less than 6,000 sf; with the largest comprising 46,000 (sf) at 59 Vernon Crossing, and 37,000 sf at 107 Maple Grange. None of these properties are listed as currently available. On the Office/Retail side, Costar.com lists 24 Office and 41 purely Retail properties; the majority of which are located within the existing Town Center and to a lesser extent, the McAfee Village area. Only a few of these properties are currently listed as available. The largest of these is the 32,500 sf., Vernon Colonial Plaza that is located at 40 Route 94 N. The mixed-use (retail/office) property has several available spaces from 300-12000 SQ Feet. Other available office spaces of significance include the Vernon Medical Arts at 212 SR 94, with 2,400 - 7,300 sf, and another office medical space at 212 SR 94, with 7,300 sf available. Most businesses are located adjacent or in close proximity to SR 94, which bisects the Town Center and McAfee and serves as the main retail thoroughfare through town. The Acme at 530 Rt. 515 Vernon Valley Plaza, is the largest business at 93,033 sf. The majority of retail businesses are freestanding older stock from the 1970's on, and within the 2-5,000 sf range. Of the approximately ten (10) office/retail properties listed as available, most are smaller spaces for lease with very few for sale. In addition, there are twenty-five (25) undeveloped properties of land for sale, comprising a variety of lot sizes and zoning districts; mostly ribboning SR 94 within the Town Center and McAfee. The largest of these is 118 acres of raw land zoned for residential uses at 225 Rt. 55. In addition, several commercial properties are subject to approved plans with improvements in place, including 15.57 acres at 109 SR 94 for commercial/hotel, 7.25 acres at Rt. 9 for commercial/industrial, and 2.33 acres at 318 SR 94 for Town Center retail. All of these properties can benefit from being located just minutes away from such tourism destinations as Mountain Creek, Crystal Springs Resorts & Spa, several golf courses, and numerous recreational and resort support amenities (several hotels and restaurants) that attracts thousands of outdoor/resort enthusiasts each year.

<b>Figure 2 - Commercial Trend (Entire Township)</b>						
<b>Land Consumption (acres)</b>						
<b>Commercial Zone</b>	<b>Total Land in Commercial Zone (Acres)</b>	<b>Total Constrained Land in Commercial Zone (acres)</b>	<b>Total Developed Land (acres)</b>	<b>Total Available Commercial Land (acres)</b>	<b>Approx. Min. Lot size (units) per Sq. Ft.</b>	<b>Potential Number of Lots</b>
<b>Neighborhood Commercial (C-1)</b>	25.44	2.34	12.52	10.58	20,000	23
<b>General Business Shopping Center (C-2)</b>	115.86	24.18	67.59	24.09	30,000	98
<b>Office-Professional (C-3)</b>	30.96	3.53	20.22	7.21	40,000	8
<b>Commercial Recreation (CR)</b>	1,579.93	889	387.27	303.56	10,000	1,322
<b>Light Industrial (LI)</b>	602.67	238.91	100.75	63	40,000	69
<b>Town Center (TC)</b>	272.88	36.94	121.42	114.53	10,000	499
<b>Agro-Ecotourism (AET)</b>	2,020.53	1,353.57	63.48	603.48	217,800	13
<b>Mountain Resort</b>	224.19	42.57	130	51.62	MR Ord. #06-21	
<b>McAfee Village Mixed Use</b>	573.73	71.63	194.96	307.14	MVMU Ord. #08-04	

<b>McAfee Village Comm. Resort</b>	44.46	1.63	30.55	12.28	MVCR Ord. #08-03	
<b>Grand Total</b>	5490.65	2664.3	1128.76	1497.49		2032 Lots

## Conclusion and next steps

Vernon Township actively plans for a sustainable future based on a local economy derived by a healthy natural environment upon which a thriving eco-tourism industry is intrinsically linked. Through its commitment to comprehensive planning, center-based development and protective land use controls, Vernon is well-positioned to secure and benefit from the obtainment of Plan Endorsement. Its proactive planning efforts continue to engage the public as it seeks to realize the vision articulated in the 1995 Master Plan and recent visioning process undertaken as part of adopting a Sustainable Economic Development Plan. Recognizing that future growth will be limited by the Highlands Preservation Area, environmental constraints and extent of State-approved public sewers and septic system densities, Vernon has planned for development that will largely materialize as center-based, redevelopment and infill that will revitalize the built environment, while maintaining desired rural character and scenic beauty in the environs. It is hoped that in reaching State and local consensus for expanded Town Center boundaries, that desired infrastructure and related costs can be stabilized through connection and payments by additional users which will, in-turn encourage and support the growth of tourism, resort and related support businesses and their long-term economic viability. Following through to complete Plan Endorsement with a Plan Implementation Agreement between Vernon and the State Planning Commission will also serve Vernon's vision and align its plans with the State Plan and all eligible benefits as an endorsed municipality.

As waivers have been granted from Steps 2 (Community Visioning) and 5 (PE Advisory Committee) of the Plan Endorsement process, the State agencies will next conduct Step 6 (Consistency Review) following receipt of all remaining information and submissions as may be requested in the component agency documents comprising the OCA report. Within 90 days of receipt, the State agencies will compare the Petition with the State Plan goals, policies and strategies for consistency. If the petition is deemed inconsistent, OPA will draft an Action Plan and MOU incorporating feedback from the various State agencies and considering the requests of the municipality. The Action Plan outlines the steps required to get endorsed by the SPC. The Action Plan and MOU outline the steps petitioner needs to take to bring local plans into consistency with the State Plan applying the standards for plans and ordinances defined in the "Standards" section of the Plan Endorsement Guidelines document (see Part III Plan Endorsement Consistency Standards). See also N.J.A.C. 5:85-7.13(d) regarding items necessary for a petition to be found consistent. The Action Plan shall also provide the timelines within which to complete the actions, the assistance to be provided by the individual State agencies, and the benefits available upon endorsement.

Where a municipality has all the required documents up-to-date and consistent with the State Plan, OPA will move the petition directly to Step 8 and produce a recommendation report for the SPC in place of the draft MOU and Action Plan. OPA develops draft MOU and Action Plan, in consultation with municipality, if inconsistencies exist. Action Plan outlines the necessary steps for petitioner to achieve Plan Endorsement, assistance from State agencies, and the benefits available to the municipality upon endorsement.

## Summary Recommendations

Unless otherwise noted, none of the below recommendations (info/items) need to be provided or addressed for OPA and other State Agencies to complete Step 6 (Consistency Review). They are provided here to give the petitioner a more-timely understanding of State Agency requirements as part of the Plan Endorsement process. Unless otherwise indicated, all of the below items will be delineated and addressed as part of Step 7 (Action Plan) or Step 8 (Plan

Implementation Agreement). Please note that the below list is not exhaustive. The petitioner should also anticipate additional requests for information as part of consistency review.

Assessment of Proposed Center(s) and Planning Area(s)

- OPA requests the petitioner compare the Town Center boundaries proposed in the Township's MSA report, with the mapping provided in figure 3 of the OCA report. It is hoped that the State proposed Town Center boundaries as depicted in the maps provided, reasonably reflects the discussions and negotiations between OPA and the Township; including State Agency requests to remove certain properties as outlined in OPA and NJDEP's OCA component reports and associated mapping.
- The proposed Town Center includes a couple of areas in the Highlands "Protection Zone," a Land Use Capability Map designation to which the Highlands Council assigns the highest levels of environmental restriction. The PZ has some of the most critical resources in the Highlands Region. To address this concern, the petitioner will be asked to ensure that any development therein be concentrated in or immediately adjacent to already-disturbed areas with forested portions protected to the maximum extent feasible. The parcels at issue include: Block 232 Lot 12, and Block 199.02 Lot 20. The final State Plan Policy Map will also be amended to indicate those portions of the above noted parcels to be designated as a Critical Environmental Site (CES). In addition, the Plan Implementation Agreement will include adoption of a Steep Slopes ordinance that will provide protection to these and other locations with significant topography.

**Please provide OPA with a written response indicating agreement or parcel specific request with supporting justification for further revision.**

Refer to NJDEP's OCA component report Summary Recommendations section regarding the following categories:

- Flooding
- Historic Resources
- Open Space & Wildlife
- Wastewater, Water Supply, and Stormwater
- Contaminated Sites, Solid and Hazardous Waste, and Recycling
- Environmental Justice
- Energy

None of the above recommendations (info/items) need to be provided or addressed for NJDEP to complete consistency determination and can be delineated in the Action Plan or Plan Implementation Agreement.

Affordable Housing - It is OPA's understanding that the petitioner is preparing a revised Housing Element and Fair Share Plan as part of a Master Plan Reexamination process currently underway. **As part of consistency review, please provide a detailed update on the status of this effort, as well as efforts being made with the Court to establish the Township's new obligation to address the remainder of its remaining Round 3 period from 2015 to 2025. In addition, please address the following:**

- Has the Township's proposed Third Round inclusionary zone been adopted? Having zoning in place that at a minimum, demonstrates a reasonable opportunity to accommodate affordable housing obligations.
- Has the revised development fee ordinance as approved by COAH in April of 2014 been adopted by the Township?
- Provide a brief update on status of various affordable housing projects cited in the Township's Affordable Housing Review for a Declaratory Judgement Filing, dated June 3, 2015. Specifically, please indicate

which projects have been constructed or can be reasonably expected to commence construction over the next year.

- Adoption of an updated Housing Element and Fair Share Plan to be completed within one (1) year of endorsement as part of the Plan Implementation Agreement.

NJDOT/Transportation Planning – Unless otherwise noted, the below actions summarize recommendations found in the enclosed NJDOT component of the OCA report:

- Adopt a Complete Streets Policy & Implementation Strategy using the information packet previously provided electronically provided, along with a sample resolution. This requirement can be placed on the Plan Implementation Agreement to be completed within one (1) year of endorsement.
- The Circulation Plan is from 1995 and needs to be updated. The Master Plan Reexamination should include a circulation element that addresses the use of alternative transportation modes (e.g. walking, biking, local transit, commuter buses, rail) to lessen congestion and air pollution, as well as address roadway, traffic patterns, parking and goods/freight movement. Goods and freight movement is particularly important with the significant increase in ecommerce fulfillment. This requirement can be placed on the Plan Implementation Agreement to be undertaken within two (2) years of endorsement. Petitioner should contact the Highlands Council ASAP to inquire about potential grant support to help fund the Circulation Plan update.
- Given locally recognized traffic-related issues related to managing traffic along SR 94 associated with area resorts, as well as parking lot overflow for access to the Appalachian Trail and other popular outdoor recreational destinations, the Circulation Plan should include a Bicycle & Pedestrian element.
- Given the petitioner's expressed interest in establishing a shared use pathway to connect Mountain Creek and other resort and recreational areas with the Town Center, the Township is strongly encouraged to pursue a technical assistance grant through NJDOT's Local Bicycle/Pedestrian Planning Assistance Program. Having such plans in place will increase the strength of future funding applications through various NDOT grant programs. More information can be found at: <https://njdotlocalaidrc.com/>

Open Space & Recreation Plan Implementation – The Township undertook a comprehensive update to the OSRP in 2010 that articulates an ambitious land acquisition and park development agenda to be undertaken in phases, with short and long-term goals and objectives. Given the environmental sensitivity of the Township and recognized economic value in providing additional recreational opportunities to residents and the visiting public, the successful incremental implementation of the OSRP is an important aspect of endorsement. Unless otherwise noted, please address the following as part of consistency review:

- Provide an update on the status of the OSRP's implementation and steps needed to be taken to proactively move the program forward. Include discussion of how the appropriate State Agencies (including the Highland Council) can provide additional funding assistance and support on specific projects of interest.
- What is the status of available funding since the dedicated tax was discontinued by public referendum in 2007? When the timing is right, would the Township consider retaining the services of an organization that specializes in assisting local communities in educating their residents in support of renewing the trust fund?
- Update the Registered Open Space Inventory (ROSI) to include all state-funded and non-funded local parkland and open space with Green Acres. This requirement can be placed on the Plan Implementation Agreement to be undertaken within two (1) years of endorsement.

Coordination with the Highlands Council – The Township shall work with the Highlands Council towards implantation of the following planning initiatives.

- With funding from the Highlands Council, the Township is developing a Water Use and Conservation Management Plan (WUCMP), which will apply to the entire community. Recognizing this important WUCMP planning effort, the Plan Implementation Agreement will require a commitment to its implementation, particularly in regard to incorporating water conservation requirements for application to new development.
- Meet with appropriate representatives with the Highlands Council to discuss potential funding partnership options under its Open Space Partnership Funding Program (OSP) and Highlands Development Credit Purchase Program (HDCPP). The OSP is a matching grant program that is open to government and nonprofit entities. The Highlands Council provides up to a 50% match for acquisitions via outright purchase (fee simple) or via deed restriction. The HDCPP is a land preservation program open to individual property owners wishing to retain ownership of their property while placing a conservation easement on the land. This requirement can be placed on the Plan Implementation Agreement to be undertaken within two (1) years of endorsement.

Ordinances – The Township shall work with OPA and/or NJDEP towards adoption or amendments to the following ordinances:

- Adopt a Steep Slopes ordinance - Significant portions of the Center and Highlands Planning Area are located in severe steep slopes (20% or more). While the Township has adopted Highlands steep slope provisions for areas designated as a Steep Slope Protection Area Preservation Area, it doesn't appear to have standards applicable to the Planning Area. OPA recommends adoption of an ordinance limiting steep slope disturbance for application in the Planning Area, too. It should leave room for Township recreational uses, e.g., ski facilities, but be protective of steep slopes in general, to prevent soil erosion/rockfalls, etc., and protect the Township's scenic vistas.
- Update the Residential Cluster Development ordinance applicable to the R-1 through R-4 Zone and increase the open space set-aside which is currently only 33%. Also consider adopting the Cluster/Conservation Design Development ordinance standards already being utilized in the Highlands Preservation Area.
- Adopt an Accessory Dwelling Unit (ADU) ordinance for all Planning Area residential zones.
- The Township is working with us to develop a Water Use and Conservation Management Plan (WUCMP), which will apply to the whole of the community. We are funding the project in full. The OCA should acknowledge the WUCMP planning effort and urge a commitment to its implementation, particularly in regard to incorporating water conservation requirements for application to new development.
- Consult with NJDEP and/or OPA on possible adoption of an overlay zone to protect threatened and endangered species habitat of concern as outlined in the Proposed Centers & Planning Area section of NJDEP's OCA report (figure 1-5). The overlay zone will provide additional protections to the below list of parcels within or proximate to the proposed Town Center that are designated under the Landscape Project (ESA-25), CHANNJ mapped travel corridor and Highlands Protection Zone.

Parcels include:

Block 231, Lot 12 and 14

Block 144, Lot 1

Block 142, Lot 13

Block 141, Lots 15, 15.01, 15.02, 12.05 and 16.

Block 144, Lot 1.01

Block 193, Lot 1  
Block 232, Lot 12 (Highlands Protection Area)